

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

REVIEW PETITION NO.14 OF 2005
 IN
 SUMMONS FOR JUDGMENT NO.701 OF 2002
 IN
 SUM.SUIT NO.2191 OF 2002

Master Financial Services Ltd. ..Petitioner.

V/s.

Business India & Ors. ..Respondents.

Mr.Snehal Shah i/b Doijode Phatarphekar & Co.for
 petitioner.

Mr.Amin Kherda for defendants.

CORAM: A.M.KHANWILKAR, J

DATE : SEPTEMBER 14, 2005.

P.C. :

1. This petition is for review of order dated 28th April, 2004 passed by me in Summons for Judgment No.701/2002 in Summary suit No.2191 of 2002. It is obvious that I had passed the order on clear understanding between the parties that I ought not to record reasons therefor. However, now present Review Petition has been filed making grievance that the plaintiff had specifically asked for interest on the admitted claim amount and no provision has been made in the order. At this distance of time, it is not possible for me to recall as to what had transpired in court on April 28, 2004 and why the order, as is

passed, came to be recorded. The order mentions that no reasons need to be recorded for the nature of order I had passed on 28th April, 2004.

2. Instead of going into controversy raised about what had transpired in court proceedings on 28th April, 2004 and on 29th April, 2004, in the interest of justice, the order as passed on 28th April, 2005 deserves to be recalled, so that the Summons For Judgment can be considered afresh on its own merit in accordance with law uninfluenced by the order dated 28th April, 2005. This course is acceptable to both the parties.

3. Accordingly, this Review petition succeeds. The order dated 28th April, 2005 passed below Summons for Judgment No.701 of 2002 is set aside and recalled. In other words, the Summons for Judgment is restored to file to its original number to be heard by the appropriate Bench.

4. All deposits made by the defendants in terms of order dated 28th April, 2004 will be subject to further orders to be passed in the Summons for Judgment.